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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**CASE NO. 2:23-cv-00933-GNM-DJA**

AMADA MAGDALENA GUTIERREZ-  
LOPEZ and YOHANDI PEREZ ESQUIVEL,

Plaintiffs

**Stipulated Discovery Plan and  
Scheduling Order**

v.

**(Special Scheduling Review Requested)**

THE UNITED STATES OF AMERICA,

Defendant

Under Federal Rule of Civil procedure 26(f) and Local Rule 26-1, Plaintiffs AMADA MAGDALENA GUTIERREZ-LOPEZ and YOHANDI PEREZ ESQUIVEL and Defendant THE UNITED STATES OF AMERICA submit their stipulated discovery plan and scheduling order. The parties respectfully request a 240-day discovery period starting from the date of their Rule 26(f) conference (December 18, 2023), rather than the date of the answer filed by the United States on, December 1, 2023. ECF No. 15. This requested change, the reasons for it, and the proposed schedule are set forth in more detail below. Deadlines that fall on Saturdays, Sundays, or legal holidays have been adjusted to the next day that is not a Saturday, Sunday, or legal holiday per Federal Rule of Civil Procedure 6(a)(1)©.

1. Initial Disclosures: Given the end of the year holidays, the parties will exchange their initial disclosures by January 8, 2024;

2. Discovery Cutoff Date: Wednesday August 14, 2024 which is 240 days from the December 18, 2023, meet and confer between the parties. This matter involves Federal Tort Claims Act arising from a motor vehicle accident with two Plaintiffs who have multiple providers that will need to be deposed. Liability, causation, and damages are in dispute, such that experts will need to be retained on these issues by the parties. Accident

1 reconstructionists, bio-mechanical, and medical experts will need to rely on party, witness,  
2 and medical provider depositions and medical provider to formulate their reports. As this  
3 case will involve those experts and the discovery surrounding their reports, the parties are  
4 requesting a slightly extended discovery schedule. The FRCP conference occurred on  
5 December 18, 2023. The parties agree that the discovery cutoff date shall be no later than  
6 Wednesday August 14, 2024, which is 240 days from the date of the FRCP conference.

7 3. Amending the Pleadings and Adding Parties: The deadline to amend pleadings or  
8 to add parties shall be no later than **Monday May 16, 2024**, which is 90 days before the  
9 discovery cutoff date.

10 4. FRCP (26)(a)(2) Expert Disclosures: The deadline for expert disclosures is  
11 **Monday, June 17, 2024**, which is 58 days before the discovery cutoff date (as the 60<sup>th</sup> day  
12 falls on a Saturday). The deadline for rebuttal expert disclosures shall be made no later than  
13 **Wednesday July 17, 2024**, which is 30 days after the initial disclosure of experts.

14 5. Dispositive Motions: The parties shall file any dispositive motions no later than  
15 **Friday, September 13, 2024**, which is 30 days after the discovery cutoff date.

16 6. Pretrial Order: A joint pretrial order shall be filed by **Monday October 14, 2024**,  
17 which is 31 days after the dispositive motion deadline as the 30<sup>th</sup> day falls on a Sunday. In  
18 the event dispositive motions are filed, this deadline shall be suspended until thirty (30) days  
19 after decision of the dispositive motions or further order of the court.

20 7. Rule 26(a)(3) Disclosures: The disclosures required by Federal Rule Civil  
21 Procedure 26(a)(3) and any objections to them will be included in the parties' joint pretrial  
22 order.

23 8. Alternative Dispute Resolution: The parties have considered resolution and the  
24 possibility of using alternative dispute-resolution processes, and the parties may revisit those  
25 options as the case proceeds.

26 9. Alternative Forms of Case Disposition: The parties have considered trial by  
27 magistrate judge and the short trial program, and the parties may revisit these options as the  
28 case proceeds.

10. Electronic Evidence. The parties anticipate their initial, supplemental, and responsive production of materials will be in .pdf and/or paper formats. These productions may be served by electric means. Plaintiffs understand the United States' productions of electronic files including .pdfs must be typically be made via encrypted means, e.g., an encrypted disc, with password provided separately, or use of the United States' cloud-based file exchange portal, "USAFX." Should any technical difficulties arise with these encrypted means, counsel will make good faith efforts to meet, confer, and resolve the difficulties.

Under the Federal Tort Claims Act, this case is subject to a bench trial, so there is no issue about the viewing of electronic evidence during jury deliberations. Counsel will further discuss and address the presentation of electronic exhibits at trial in connection with the joint pretrial order, pretrial conference, and/or calendar call, as applicable and appropriate.

DATED this \_\_\_\_\_ day of January, 2024.

**CRAIG P. KENNY & ASSOCIATES**      **JASON M. FRIERSON**  
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**IT IS SO ORDERED:**

Dated 1/5/2024

  
 UNITED STATES MAGISTRATE JUDGE